

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 21, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B191117 Aimers v. Moshiri
B195924 Jaime G., v. SCLA (D.C.F.S., rpi)

Argument waived, cause submitted.

B191586 Allahverdi v. Asadourian

Matter is taken off calendar.

Each of the following:

B192225 Hakimpour v. Andraos Capital Management
B188404 Northeast 315 Fruit Co.

Matter continued to April 24, 2007.

B181333 Czuker v. Ernst & Young

Matter continued to May 23, 2007.

DIVISION ONE (Continued)

B190336 Phoneisha Folkes

v.

Art Bufford

Merits:

Argument previously waived by Robert Clayton for respondent and no there being no appearance by Art Bufford for appellant, cause submitted.

B189571 Highland Construction

v.

Department of Transportation

Merits:

Argued by Aren Kavcioglu for appellant and by Kathryn Paplia for respondent. Cause submitted.

B189575 Gregory Malais

v.

Los Angeles City Fire Department

Merits:

Argued by Gwen Freeman for appellant and by Kim Rodgers Westhoff, Deputy City Attorney for respondent. Cause submitted.

Vogel, J., leaves the bench.

B193242 Gordon P. Treweek et al.

v.

California Capital Insurance Co.

Merits:

Argued by Paul E. Kremser Jr. for appellants and by Millard F. Ingraham for respondent. Cause submitted.

March 21, 2007 (Continued)

DIVISION ONE (Continued)

Vogel, J., returns to the bench.

Jackson, J. (Assigned), leaves the bench.

B190768 Paulette Hayes
 v.
 Los Angeles County Metropolitan Transit Authority

Merits:
Argued by Todd B. Becker for appellant and by Katherine B. Pena for
respondent. Cause submitted.

Jackson, J. (Assigned), returns to the bench.

Rothschild, J., leaves the bench.

B191651 Carlos Sanchez
 v.
 Renato Villasenor et al.

Merits:
Argued by David Brand for respondent and by Albert F. Coombes for
appellants. Cause submitted.

Rothschild, J., returns to the bench.

Jackson, J. (Assigned), leaves the bench.

March 21, 2007 (Continued)

DIVISION ONE (Continued)

B190064 Monica Yeroushalmi
 v.
 Benecity Inc., et al.

Merits:

Argued by Peter Sloan for appellant Benecity & Rossetto; by Donald Brown for appellant Berriche et al., and by Patrick Mesisca, Jr. for respondent. Matter continued and submission deferred to June 27, 2007, pending mediation.

Jackson, J. (Assigned), returns to the bench.

Vogel, J., leaves the bench.

B172120 Danzas AEI Intercontinental et al.
 v.
 Container Connection of Southern California, Inc.

Merits:

Argued by Marva Jo Wyatt for appellant and by Jeanine Tede for respondents. Cause submitted.

Court adjourned.

B192268 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Dora D.

Appellant's motion to strike portions of respondent's brief is granted. The June 15, 2006 order is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

DIVISION ONE (Continued)

B195577 Jesus H. (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County Department of Children & Family Services, r.p.i.)

The petition is denied and the stay of the permanent plan hearing is vacated.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B193418 Los Angeles County, D.C.S. (Not for Publication)

v.

Margarita L.

The order is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

B189663 People (Not for Publication)

v.

Ramos et al.

The judgments are affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting Ramos's true sentence of 50 years to life and to forward a copy thereof to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

March 21, 2007 (Continued)

DIVISION ONE (Continued)

B188538 People (Not for Publication)

V.

Orlando Trejo

The judgment is reversed and the cause is remanded for a new trial.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.

Rothschild, J.

B195924 Jaime G. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.

Jackson, J. (Assigned)

B193154 Los Angeles County, D.C.S. (Not for Publication)

V.

Shellli B.

The judgment declaring Jacob C. a dependent of the juvenile court is affirmed. The June 26, 2006 order removing Jacob from Mother's custody is reversed.

Mallano, Acting P.J.

We concur: Rothschild, J.

Jackson, J. (Assigned)

DIVISION ONE (Continued)

B193098 Los Angeles County, D.C.S. (Not for Publication)
v.
Marissa H.

The orders of August 4, 2006 are affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION THREE

B184277 Garoian, et al. (Not for Publication)
v.
Blaine, et al.

The judgment is affirmed. Costs on appeal are awarded to defendants.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B189657 People (Not for Publication)
v.
Michael Joseph Drake

The judgment is affirmed as modified. The consecutive sentence for case No. NA057407 shall be modified from 16 months to 12 months. The clerk of the superior court shall prepare an amended abstract of judgment to reflect this modification, and forward the amended abstract of judgment to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
Kitching, J.

DIVISION THREE (Continued)

B189023 Ozen, et al. (Not for Publication)

v.

State Farm Fire and Casualty Company

The trial court judgment is affirmed. Defendant State Farm is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B192317 People (Not for Publication)

v.

Heriberto Falcon

The judgment is reversed. On remand, the trial court shall enter an order granting appellant's motion to suppress.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B192535 People (Not for Publication)

v.

Homer Dale Luttrell

The judgment is reversed and the matter is remanded for further proceedings in conformance with this opinion.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

DIVISION THREE (Continued)

B188076 Van Horn (Certified for Publication)

v.
Watson
Torti

The judgments in favor of Torti and against plaintiff and Watson are reversed and the matter is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff and Watson.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B179851 Golden Eagle Insurance Corp. (Certified for Publication)

v.
Cen-Fed, Ltd. et al.,

The fourth paragraph of the judgment is amended to state, with respect to Golden Eagle's request for declaratory relief on the issue of whether Golden Eagle has a duty to pay the costs of suit, including attorney's fees, awarded to WMB in the underlying action, that no such duty exists because there never was a duty to defend the underlying action and Golden Eagle is not liable to pay such costs and attorney's fees. As so amended, the judgment is affirmed. Golden Eagle shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.